

Fax Transmittal

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To Fax No.: (703) 305-3762
Attn: Mrs. E. Rollins-Cross

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Letter

URGENT**In The United States Patent And Trademark Office**

Appl. Number: 09/978,215
Appl. Filed: 10/15/01
Applicant: Luis J. Rodriguez
Title: Self Sealing Letter Sheets (Formerly: Self Sealing Forms)
Examiner / GAU: Stephen P. Garbe / 3727

This is an **URGENT** transmission, as it brings to the Office's attention a repeated error by the Office that affects an appeal in progress.

In The United States Patent And Trademark Office

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NOTICE OF ERROR ON PAPERS 24 and 27 **—Respectful Request For Rectification—**

Applicant respectfully requests adequate attention to this communication. This plead, apparently unnecessary is of vital importance in light of paper 27.

The model referred to by paper 24 and Paper 27 has already been entered on the record, under 37 CFR 1.91 (a)(3) as per Advisory Action of October 25, 2003.

The Petition of May 09, was not for any reconsideration of any decision. The Petition of May 09/03 was to correct the error reflected in paper 24, and so is the Petition herein.

Petition: To set the record straight and indicate that model of the invention is already in the record under 37 CFR 1,91 (a)(3), as per Advisory Action of 10/25/02. (Please, see enclosures)

This concludes the primary subject of this communication, which is to establish the fact that the model is already entered into the record. (Please, see enclosures)

However Paper 27 refers to the reasons given by Petitioner to further support entry of model

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(Rodriguez)

GAU 3727

NOTICE OF ERROR BY OFFICE

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under 37 CFR 1.91 (a)(1) in an inaccurate manner. A correction of which is respectfully submitted by Petitioner/Applicant, as follows:

Petitioner never referred to a reason to further *(Model is entered already)* support entry of model under 37 CFR 1.91 (a)(1) as being the rejection of the claims by examiner.

The reason to support the entry of the model is the radical difference between the cited references and the present invention, as exhaustively and graphically demonstrated by at least 20 of the 35 attachments submitted. But Attachments 21-24 will suffice.

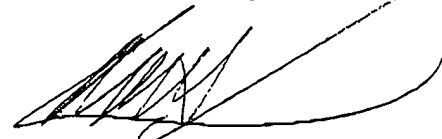
It is therefore confusing that *'a review of the record clearly demonstrates that the examiner has understood the application and the invention described therein'*, as stated in paper 27, as papers 24 and 27 only suggest that a review of the record has not been conducted.

A review of the record readily will indicate that the model has already been entered.

Paper 27 clearly suggests that the one-page Petition of May 09, 2003 itself was not reviewed, as paper 27 is 'non-sequitur' and unresponsive.

Pro-se Applicant/Petitioner respectfully pleads to the Office, that this and any other communication receive the adequate consideration that Applicant/Petitioner is entitled to.

Very Respectfully,



Luis J. Rodriguez

Applicant

Enclosures:

- 1) Copy of 2 page ADVISORY ACTION of 10/25/02, indicating on page 2 that model has been entered.
- 2) Copy of Postcard itemizing articles submitted on Oct. 17, and stamped by the PTO as a receipt thereof.
- 3) Copy of Petition under 37 CFR 1.91 (a)(3) submitted on Oct. 17/02, and resulting in entry of the model.

Advisory Action

10/25/02

Application No.

09/978,215

Applicant(s)

RODRIGUEZ, LUIS J.

Examiner

Stephen Garbe

Art Unit

3727

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 October 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: The elimination of "at least one" in claim 45 raises a new issue.

3. ☒ Applicant's reply has overcome the following rejection(s): None.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☒ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or, ~~will be~~) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 45-70.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. ☒ Other: See Continuation Sheet

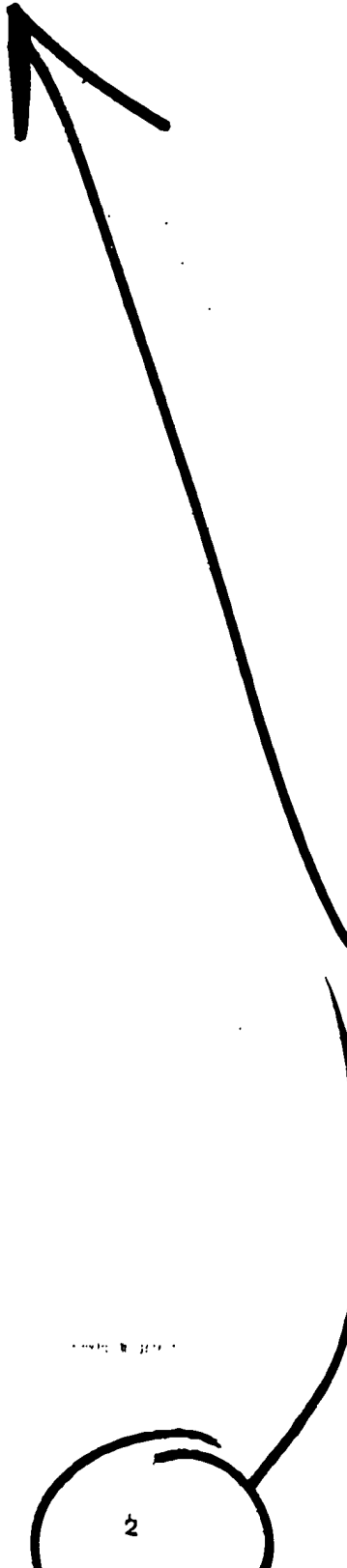
Stephen Garbe
Stephen Garbe
Primary Examiner
Art Unit: 3727

Continuation Sheet (PTO-303)
09/978.215

Application No.



Continuation of 10. Other. The model has been entered but does not overcome any rejections..



The U. S. Patent and Trademark Office received the items listed herein,
which were mailed by Luis J. Rodriguez on October 17, 2002
Related to Patent Application # 09/978,215

- Transmittal Form (PTO/SB/21)
- Fee Transmittal (PTO/SB/17)
- A check for \$130
- Petition to admit model under 37 C.F.R. 1.91(a)(3)
- Affidavit 4
- Amendment C under Rule 116 (76 pages)
further including:
 - ATTACHMENTS 15-31
 - EXHIBIT A
 - EXHIBITS B, C, D and E.



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Date: October 17, 2002

ALREADY
ENTERED

Petition to Admit Model

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Applicant respectfully requests acceptance of model submitted herewith, inside an unsealed envelope labeled "MODEL INSIDE (Exhibit A)" under 37 C.F.R. 1.91(a)(3)

The reason to submit the model is to tangibly demonstrate and prove what the invention is.

Thus, the model shows the invention in its most basic expression, i.e., having:

- (At least) one body which constitutes the letter sheet itself,
- (at least) one flap, which provides the self sealing properties,
- (at least) one layer of adhesive,
- (at least) one layer of adhesive inhibitor,

Wherein the flap faces the body, and the layer of adhesive removably connects to the layer of adhesive inhibitor.

Very Respectfully,

COPY

Luis J. Rodriguez

Date of Mailing: October 17, 2002

Express Mail No. **EU149703855US**

I hereby certify that this correspondence, including its attachments, is being deposited with the United States Postal Service "EXPRESS MAIL TO ADDRESSEE" service under 37 CFR 1.10, on the date indicated above, and is addressed to the Box AF, Commissioner For Patents, Washington, D.C. 20231.

Luis J. Rodriguez, Applicant

Signed: **COPY**